98TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT 98–773

# NONPERFORMING ARTS FUNCTIONS OF THE JOHN F. KENNEDY CENTER

MAY 15, 1984.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

## REPORT

[To accompany H.R. 5281]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 5281) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

### NEED FOR LEGISLATION

Section 10 of the Public Buildings Act of 1972, Public Law 92–313, approved June 16, 1972, added a new subsection (e) to section 6 of the John F. Kennedy Center Act, as amended. The subsection directs the Secretary of the Interior, acting through the National Park Service to provide maintenance, security, information, interpretation, janitorial, and other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. It authorized such sums as may be necessary to carry out these functions, but only for the fiscal year ending June 30, 1973. Subsequent acts of the Congress have amended that subsection to provide funds through fiscal year 1984.

H.R. 5281, as reported, authorized to be appropriated to the Secretary of the Interior not to exceed $4,542,000 for the fiscal year ending September 30, 1984, and $4,621,000 for the fiscal year ending September 30, 1985 for services necessary to the nonperforming arts functions

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of the John F. Kennedy Center for the Performing Arts. Without additional funds, the National Park Service cannot continue beyond September 30, 1984, to exercise the responsibility required of it by law. Without such services, the building, equipment, and grounds would deteriorate and necessitate extensive and costly repairs.

The National Park Service is responsible for the maintenance, repair, security, and administration of numerous Presidential memorials in the Nation's capital. Thus, the Congress directed upon enactment of the Public Law 92–313 that those memorial-type functions of the Kennedy Center be administered under the supervision of the National Park Service. Subsequently, the Park Service and the Kennedy Center entered into an agreement whereby the Park Service is allocated 76.2 percent of the operation and maintenance costs of the John F. Kennedy Center for the Performing Arts and the Kennedy Center is allocated 23.8 percent. The agreement between the Park Service and the Kennedy Center, developed in 1971, is based on the hours that the building is expected to be used for memorial and performing arts functions.

The Committee notes that the transmittal letter from the United States Department of Interior to Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives, dated March 7, 1984, enclosing a draft bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, requested an appropriation of $4,621,000 for the fiscal year ending September 30, 1985, and such sums as are necessary for the fiscal year ending September 30, 1986. The letter referred to follows:

U.S. Department of the Interior,
Office of the Secretary,
*Washington, D.C., March 7, 1984.*

Hon. Thomas P. O'Neill, Jr.,
*Speaker of the House of Representatives,*
*Washington, D.C.*

Dear Mr. Speaker: There is enclosed a draft bill, "Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

Under subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698, 1699; 20 U.S.C. 76h, 76*l*), the Secretary of the Interior is required to provide all services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, including informational, interpretation, janitorial, maintenance, and security services. However, the Congress has only appropriated funds to the National Park Service through September 30, 1984, for the nonperforming arts functions of the Kennedy Center.

The draft bill would amend the appropriation authorization in subsection (e) of the John F. Kennedy Center Act to authorize an appropriation of $4,621,000 for the fiscal year ending September 30, 1985, and such sums as are necessary for the fiscal year ending September 30, 1986. Such an authorization and appropriation would enable the National Park Service to continue to carry out its respon-

sibilities for the nonperforming arts functions for the Kennedy Center as provided in the President's 1985 budget.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

G. RAY ARNETT,
*Assistant Secretary.*

Enclosure.

A BILL Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698, 1699; 20 U.S.C. 76h, 76*l*) is amended by striking out the period in the last sentence and adding in lieu thereof", and not to exceed $4,621,000 for the fiscal year ending September 30, 1985, and such sums as are necessary for the fiscal year ending September 30, 1986.".

The Committee amended the Administration bill by authorizing to be appropriated to the Secretary of Interior not to exceed $4,452,000 for the fiscal year ending September 30, 1984, and $4,621,000 for the fiscal year ending September 30, 1985. The funds sought in the President's 1985 budget request of $4,621,000 represents an increase of $79,000 over the fiscal year Kennedy Center appropriation of $4,542,000 provided in the Department of Interior Appropriations bill of November 4, 1983, Public Law 98–146, due to the 40 percent salary increase which was effective January 8, 1984. The Committee action authorizes funds which have been appropriated for fiscal year 1984 in an effort to keep continuity within the statute for legislative history and further eliminated proposed open ended funding for fiscal year 1986.

## COMPLIANCE WITH CLAUSE 2(l) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Oversight. However, the Subcommittee on Public Buildings and Grounds held hearings on this subject matter which resulted in the reported bill.

(2) With reference to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives the bill, as reported, does not provide new budget authority or increased tax expenditures.

(3) With reference to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the committee has received a report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., May 14, 1984.*

Hon. JAMES J. HOWARD,
*Chairman, Committee on Public Works and Transportation,*
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5281, a bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5281.

2. Bill title: A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, May 9, 1984.

4. Bill purpose: The bill authorizes the appropriation in fiscal year 1985 of $4.621 million for the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. The authorized amount is the same as the President's budget request, and is about 2 percent above the $4.542 million appropriated to date for 1984.

5. Estimated cost to the Federal Government:

| | *Millions* |
|---|---|
| **Authorization level:** | |
| **Fiscal year:** | |
| 1985 | $4.6 |
| 1986 | ---- |
| 1987 | ---- |
| 1988 | ---- |
| 1989 | ---- |
| **Estimated outlays:** | |
| **Fiscal year:** | |
| 1985 | 3.7 |
| 1986 | .6 |
| 1987 | .3 |
| 1988 | ---- |
| 1989 | ---- |

The costs of this bill fall within budget function 300.

BASIS OF ESTIMATE

The authorization level is that stated in the bill, and it is assumed that the full amount will be appropriated prior to the start of fiscal year 1985. Outlays are estimated based on historical spending patterns for this program.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by Deb Reis.
10. Estimate approved by C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

(4) With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(5) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee makes the following statement in regard to the inflationary impact of the reported bill.

The enactment of this legislation will have no inflationary impact on the prices and costs in the operation of the national economy.

## Cost of Legislation

Rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 5281, as reported, in fiscal year 1985 and each of the following 5 years. The committee estimate of these costs, in terms of authorization contained in the bill, is $4,542,000 in fiscal year 1984 and $4,621,000 in fiscal year 1985. The estimates of outlays contained in the report of the Congressional Budget Office is considered reasonable.

## Committee Action and Vote

The committee in compliance with rule XI(2)(l)(B), the majority of the committee having actually been present, reports favorably the bill, H.R. 5281, as amended. The bill was ordered reported by voice vote.

## Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### Section 6 of the John F. Kennedy Center Act

ADMINISTRATION

Sec. 6. (a) * * *

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(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is authorized to be appropriated to carry out this subsection not to exceed $2,800,000 for the fiscal year ending June 30, 1976, $741,000

for the transition period ending September 30, 1976, $3,100,000 for the fiscal year ending September 30, 1977, and $4,000,000 for the fiscal year ending September 30, 1978. There is authorized to be appropriated to carry out this subsection not to exceed $4,200,000 for the fiscal year ending September 30, 1979. There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981, and not to exceed $4,544,000 for the fiscal year ending September 30, 1982, and not to exceed $4,247,000 for the fiscal year ending September 30, 1983. *There is authorized to be appropriated to carry out this subsection not to exceed $4,542,000 for the fiscal year ending September 30, 1984, and $4,621,000 for the fiscal year ending September 30, 1985.*

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